

## **REMARKS/ARGUMENTS**

### **I. General Remarks.**

Applicants respectfully request reconsideration of the application in view of the remarks contained herein.

### **II. Disposition of the Claims.**

At the time of this Office Action, claims 1-102 were pending. Claims 1-12, 18-32, 35-45, 53-59 and 87-88 are rejected in this office action. Claim 29 has been amended. Claims 13-17, 33, 34, 46-52, 60-86, and 89-102 were withdrawn in response to the Restriction Requirement issued by the Examiner on March 29, 2007.

### **III. Remarks Regarding the Rejections Under 35 U.S.C. § 112.**

The Examiner rejected claim 29 under 35 U.S.C. § 112 on grounds that there is insufficient antecedent basis for “the second fluidic oscillator insert” limitation in the claim. Claim 29 has been amended to depend from claim 30 which provides sufficient antecedent basis for this limitation. Therefore, the Applicants respectfully request a withdrawal of this rejection.

### **IV. Remarks Regarding the Rejections Under 35 U.S.C. § 102(b).**

Claims 1-12, 18-19, 24, 35-45, 53-56, and 87-88 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,157,161 issued to Bauer (hereinafter “*Bauer*”).

With respect to rejection of claim 1, the Office Action provides that *Bauer* discloses:

an apparatus (40) for creating a pulsating fluid flow comprising an inlet (41) into which fluid flows, a chamber (42) having an upstream end and a downstream end, wherein the chamber is defined by a pair of outwardly-projecting sidewalls and wherein the inlet is disposed at the upstream end of the chamber, at least two feedback passages (48 and 49) having opposed entrances at the downstream end of the chamber and opposed exits at the upstream

end of the chamber near where the chamber joins the inlet, at least one feedback outlet (51) leaving each of the feedback passages . . .

Office Action, at 4.

The applicants respectfully traverse this rejection. As discussed in the specification, of the portion of the fluid that enters the feedback passage 307 of a pulsating fluid flow device in accordance with an embodiment of the present invention, a smaller portion will exit the fluidic oscillator insert 300 through the feedback outlet 311. Specification, paragraph [0033]. The portion of the fluid that enters the feedback cavity 310 follows a path around the feedback cavity sidewall 312 and returns to the chamber 303 near outwardly projecting sidewalls 304'. Specification, paragraph [0036]. Accordingly, independent claims 1 and 87 recite "at least one feedback outlet leaving each of the feedback passages" and "at least one exit flowline leaving the at least one feedback outlet". Independent claim 88 also recites a feedback outlet leaving each of the feedback passages and an exit flow line leaving the feedback outlet. Similarly, independent claim 35 recites an exit flow line leaving each of the feedback passages. Thus, the fluid flowing through a device in accordance with the present invention leaves the device through outlets in the feedback passages and not through outlets in the feedback cavity.

*Bauer* is directed to a windshield washer device. Specifically, *Bauer* teaches a device where

a flow divider 50 is disposed in outlet region 44 to define left and right outlet passages 51 and 52, respectively, between the divider and the diverging walls of the outlet region. In operation, the jet issued by the power nozzle 41 is initially directed centrally of the interaction region 42 and fills the region . . . whilst some fluid passes into outlet region 44 and exits via outlet passages 51 and 52.

*Bauer*, Col. 7, lines 19-27. Therefore, in *Bauer* the fluid first enters the outlet region 44 or feedback cavity and then exits the device through outlet passages 51 and 52 which leave this

feedback cavity. In contrast, as discussed above, the present invention is directed to a device where the fluid is projected from outlets leaving the feedback passages and not the feedback cavity or outlet region recited in *Bauer*.

Accordingly, independent claims 1, 35, 87 and 88 are allowable over *Bauer* because *Bauer* fails to disclose every limitation of those claims. Claims 2-12, 18-19, 24, 36-45, and 53-56 depend directly or indirectly from independent claims 1 and 35 and are allowable for at least the same reasons. Therefore, the applicants respectfully request a withdrawal of these rejections.

**V. Remarks Regarding the Rejections Under 35 U.S.C. § 103(a).**

Claims 20-23, 25-32, and 57-59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bauer* in view of U.S. Patent No. 5,228,508 issued to Facteau et al. (hereinafter "*Facteau*").

As discussed above, independent claims 1 and 35 are allowable over *Bauer*. *Facteau* fails to disclose that which *Bauer* lacks. Claims 1 and 35 are directed to a device where the fluid leaves the oscillator through the feedback passages. Accordingly, independent claim 1 recites "at least one feedback outlet leaving each of the feedback passages" and "at least one exit flowline leaving the at least one feedback outlet" wherein the exit flowline has an exit port. Similarly, independent claim 35 is directed to an apparatus having feedback passages and "at least one exit flowline leaving each of the feedback passages." In contrast, as depicted in figures 5-8 and discussed in columns 5 and 6, the exit flowlines of *Facteau* do not leave the feedback passages. Specifically, *Facteau* discloses a device where

the fluid passes through a power nozzle 80 and into the passage therebelow where it is diverted into one of two diffuser passages 81, 82 that incline downward and outward in opposite lateral directions, and which lead to outlet ports 83, 84. . . Feedback

passages 85, 86 extend from the respective lower end portions of the diffuser passages 81, 82 back up to control nozzles on the opposite sides of the power nozzle 80.

Col. 5, lines 5-16. Therefore, the exit ports of *Facteau* do not leave the feedback passages 85 and 86.

As discussed above, *Bauer* fails to disclose all limitations of independent claims 1 and 35 and *Facteau* fails to teach that which *Bauer* lacks. Therefore, independent claims 1 and 35 are allowable over *Bauer* and *Facteau*. Claims 20-23, 25-32, and 57-59 depend directly or indirectly from independent claims 1 and 35 and are allowable for at least the same reasons. Therefore, the applicants respectfully request a withdrawal of these rejections.

#### **VI. No Waiver**

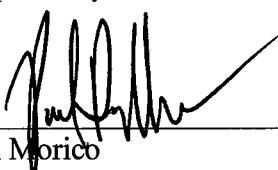
All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art.

**SUMMARY**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no additional fees due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefore, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, Order Number 063718.0398.

Respectfully submitted,

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